

77535/00002 (MUN P1021)



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: David M. Munson, Jr.

Serial No.: 10/737,018

Filed: December 16, 2003

For: Method and Apparatus for Physical Fitness Training

Group Art Unit: 3764

Examiner: Glenn E. Richman

Customer Number: 64458

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO RESTRICTION REQUIREMENT**

The Examiner issued a Restriction Requirement on May 29, 2008, which was transmitted to Applicant's former legal counsel. Applicant's current legal counsel obtained a copy of the Restriction Requirement via a periodic status check on the PTO PAIR website, but has never received any copy mailed or emailed from the US Patent Office. In addition, Applicant's attorney does not recall any telephone call on May 22, 2008, regarding this case and/or the Restriction Requirement as mentioned by the Examiner on Page 4 of the Restriction Requirement.

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**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is, on the date shown below, being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: 07/28/2008

Amy Kasper  
Amy Kasper

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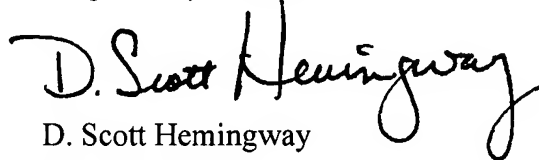
In the future, it is respectfully requested that Office Actions and notices be sent to:

D. Scott Hemingway  
Hemingway & Hansen, LLP  
1717 Main Street  
Suite 2500  
Dallas, Texas 75201

In response to the Restriction, Applicant hereby elects to prosecute the first set of claims dealing with the physical training apparatus classified in class 482, subclass 112, which includes Claims 1, 3-10 and 31. Consistent with the restriction requirement, Applicant withdraws claims 32-40, but reserves the right to file an amendment that clarifies the scope of the invention to a physical training apparatus.

A one month extension fee is enclosed herewith to pay for the requested one month extension of time request. If any additional fees are required for filing this response, then the appropriate fees should be deducted from D. Scott Hemingway's Deposit Account No. 501,270.

Respectfully submitted,

A handwritten signature in black ink that reads "D. Scott Hemingway". The signature is fluid and cursive, with the first name "D." and last name "Hemingway" clearly legible.

D. Scott Hemingway  
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